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23 UNITED STATES DISTRICT COURT  
24  
25 NORTHERN DISTRICT OF CALIFORNIA

26 LINDA BRADLEY, et al.,

27 Plaintiffs,

28 v.

T-MOBILE US, INC., et al.,

Defendants.

CASE NO. 5:17-cv-07232-BLF

**DEFENDANTS' OPPOSITION TO  
PLAINTIFFS' MOTION TO STRIKE, OR IN  
THE ALTERNATIVE, FOR LEAVE TO FILE  
RESPONSE TO, STATEMENT OF RECENT  
DECISION**

**Hearing:**

Date: April 18, 2019  
Time: 9:00 a.m.  
Place: San Jose Courthouse, Courtroom 3  
Judge: Hon. Beth L. Freeman

1       On January 26, 2019, pursuant to Local Rule 7-3(d)(2), Defendants filed a Statement of Recent  
 2 Decision regarding *Kleber v. Carefusion Corp.*, No. 17-1206 (7th Cir. Jan. 23, 2019) (en banc). Dkt.  
 3 107. Plaintiffs now move to strike Defendants' Statement of Recent Decision, or in the alternative, for  
 4 leave to submit a proposed response, because Plaintiffs claim that "Defendants' submission violates  
 5 Local Rule 7-3(d)(2)'s instruction to provide 'a citation to and . . . a copy of the new opinion--without  
 6 argument.'" Dkt. 108.

7       Defendants oppose Plaintiffs' Motion to Strike because Defendants' Statement of Recent  
 8 Decision complies with Local Rule 7-3(d)(2). Defendants' Statement of Recent Decision contains no  
 9 argument. Rather, for the Court's convenience, Defendants cited the relevant portions of the record,  
 10 including the specific portions of the 103 pages of briefing regarding Defendants' pending Motions to  
 11 Dismiss to which the *Kleber* decision is relevant, and quoted the decision's holding. Dkt. 107. If the  
 12 Court feels these citations are too argumentative and are inconsistent with the Local Rules, Defendants  
 13 respectfully suggest that the Court simply strike that sentence from the Statement. The Court should  
 14 deny Plaintiffs' Motion and disregard Plaintiffs' proposed argumentative response.

15      Dated: February 4, 2019

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## **SIGNATURE ATTESTATION**

I, Jason C. Schwartz, am the ECF User whose identification and password are being used to file the foregoing document. Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the filing of this document has been obtained.

Dated: February 4, 2019

## GIBSON, DUNN & CRUTCHER LLP

By: /s/ Jason C. Schwartz

Jason C. Schwartz

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